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SENATE BILL 207

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING THE PUBLIC EDUCATION DEPARTMENT TO SUSPEND A MEMBER OF A LOCAL SCHOOL BOARD OR GOVERNING BODY OF A CHARTER SCHOOL UNDER CERTAIN CIRCUMSTANCES; CLARIFYING THAT THE PUBLIC EDUCATION DEPARTMENT MAY SUSPEND THE GOVERNING BODY OF A CHARTER SCHOOL OR A CHARTER SCHOOL ADMINISTRATOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-2-14 NMSA 1978 (being Laws 1978, Chapter 129, Section 1, as amended) is amended to read:

"22-2-14. LOCAL SCHOOL BOARDS--PUBLIC SCHOOLS--
SUSPENSION--PROCEDURES.--

A. Money budgeted by a school district shall be spent first to attain and maintain the requirements for a school district as prescribed by law and by standards and rules

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1 as prescribed by the department.

2 B. The department shall give written notification
3 to a local school board, local superintendent and school
4 principal, as applicable, of any failure to meet requirements
5 by any part of the school district under the control of the
6 local school board. The notice shall specify the deficiency.
7 Instructional units or administrative functions may be
8 disapproved for such deficiencies. The department shall
9 disapprove instructional units or administrative functions that
10 it determines to be detrimental to the educational process.

11 ~~[B.]~~ C. Within thirty days after receipt of the
12 notice of failure to meet requirements, the local school board,
13 local superintendent and school principal, as applicable,
14 shall:

15 (1) comply with the specific and attendant
16 requirements in order to remove the cause for disapproval; or

17 (2) submit plans satisfactory to the
18 department to meet requirements and remove the cause for
19 disapproval.

20 ~~[C.]~~ D. The secretary, after consultation with the
21 commission, shall suspend from authority and responsibility a
22 local school board, local superintendent or school principal
23 that has had notice of disapproval and fails to comply with
24 procedures of Subsection ~~[B]~~ C of this section. The department
25 shall act in lieu of the suspended local school board, local

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1 superintendent or school principal until the department removes
2 the suspension.

3 ~~[D.]~~ E. To suspend a local school board, local
4 superintendent or school principal, the secretary shall deliver
5 to the local school board an alternative order of suspension,
6 stating the cause for the suspension and the effective date and
7 time the suspension will begin. The alternative order shall
8 also contain notice of a time, date and place for a public
9 hearing, prior to the beginning of suspension, to be held by
10 the department, at which the local school board, local
11 superintendent or school principal may appear and show cause
12 why the suspension should not be put into effect. Within five
13 days after the hearing, the secretary shall make permanent,
14 modify or withdraw the alternative order.

15 ~~[E.]~~ F. The secretary may suspend a local school
16 board, local superintendent or school principal when the local
17 school board, local superintendent or school principal has been
18 notified of disapproval and when the department has sufficient
19 reason to believe that the educational process in the school
20 district or public school has been severely impaired or halted
21 as a result of deficiencies so severe as to warrant disapproved
22 status before a public hearing can be held.

23 ~~[F.]~~ G. The department, while acting in lieu of a
24 suspended local school board, local superintendent or school
25 principal, shall execute all the legal authority of the local

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1 school board, local superintendent or school principal and
2 assume all the responsibilities of the local school board,
3 local superintendent or school principal.

4 ~~[G.]~~ H. The provisions of this section shall be
5 invoked at any time the secretary, after consultation with the
6 commission, finds that the school district or public school has
7 failed to attain and maintain the requirements of law or
8 department standards and rules.

9 ~~[H.]~~ I. The commission shall consult with the
10 secretary and may recommend alternative actions for the
11 secretary's consideration.

12 ~~[I.]~~ J. A local school board, local superintendent
13 or school principal aggrieved by a decision of the secretary
14 may appeal to the district court pursuant to the provisions of
15 Section 39-3-1.1 NMSA 1978.

16 K. The department may suspend a member of a local
17 school board for malfeasance, misfeasance, neglect of duty or
18 violation of the oath of office. The department shall follow
19 the same suspension procedures as provided in this section for
20 the suspension of a local school board, local superintendent or
21 school principal.

22 L. As used in this section:

23 (1) "local school board" includes the
24 governing body of a charter school; and

25 (2) "local superintendent" includes a charter

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school administrator."

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